

April 3, 2008, 10:01 pm  
Play It Again, Sam (Re-enactments, Part One)

By ERROL MORRIS

O body swayed to music, O brightening glance,  
How can we know the dancer from the dance?  
—W.B. Yeats, "Among School Children"

"So, how is it that you managed to be on the roadway that night?" The question was posed by a reporter from the Dallas Morning News. This was in 1988, during an interview about my recently released film, "The Thin Blue Line." I had decided for the first time as a documentary filmmaker to use slow-motion re-enactments in my account of the wrongful conviction of Randall Dale Adams for the murder of Dallas Police Officer Robert Wood.

The question seemed insane. The film was released in 1988. The crime occurred in 1976. Was this reporter suggesting that I had been out on the roadway with a 35-millimeter film crew the night of the murder, and just happened to be at the right place, at the right time to film the crime – over a decade earlier? Indeed, he was.

Just so there is no doubt about this: I wasn't there.

For those who have not seen "The Thin Blue Line," it is a movie about a terrible miscarriage of justice. A 26-year-old man was sentenced to die in the Texas electric chair for a crime he did not commit.

It was an extremely cold night on Nov. 28, 1976. Robert Wood and Teresa Turko, two Dallas police officers, had stopped at a Burger King on Hampton Road, in a desolate area west of the city. Wood was driving. Turko was in the passenger seat with the milkshake she'd ordered. As they were about to pull out of the parking lot, they saw a blue car heading south, headlights off. They pulled out, turned on their red flashing police lights and directed the car to pull over. The intention was to issue a warning on a routine traffic stop: "You're driving without headlights. Turn your headlights on."

There is disagreement about what happened next. Turko claims that she and Wood got out of the patrol car more or less at the same time. Being a routine traffic stop, according to police procedure, Wood should walk up to the driver's side of the car, and Turko should position herself to the rear of the vehicle, recording the license plate number and any other relevant details. Wood's version of what happened is unknowable. He walked up to the driver's side of the vehicle and was shot five times. The car sped off into the distance. Wood was dead at the scene.

A crime-scene diagram prepared by investigating officers suggests that Turko was not being entirely truthful. The telling detail was the location of where the milkshake landed: 14 feet from the door of the police cruiser.

Why care about the milkshake? Why does the milkshake matter? Because we assemble our picture of reality from details. We don't take in reality whole. Our ideas about reality come from bits and pieces of experience. We try to assemble them into something that has a consistent narrative.

I interviewed Dale Holt, the principal Internal Affairs investigator. His retrospective account, his Internal Affairs report, the summaries of interviews with Turko taken at scene, and the drawing of the crime scene are the raw materials from which I reconstructed or re-enacted what probably happened. I also talked at length to Teresa Turko herself, but was never able to interview her on film. She had been consigned to a desk job, filing documents, and was not particularly anxious to revisit the past. The murder of her partner and the Internal Affairs investigation that followed had destroyed her career.

Here is Dale Holt's account as it appears in "The Thin Blue Line":

Dale Holt: His partner was one of the first female police officers that was assigned to patrol. They were out of the Northwest Station. Just patrol officers, following the clock, working the graveyard shift and everything. They had been into a fast food restaurant [Burger King] and she had a malt. This car came by, just two dudes in it, with no lights on. It really wasn't a serious problem, but he just pulled up, turned his lights on, and stopped

him just to warn the man that his lights were off. Got out of the car and walked up. And before he got to the window where the driver was, he was in the right position: this man just turned around and just...pop, pop, pop, with a little small-caliber pistol.

The first shot hit him in the arm. He had his flashlight. It hit the flashlight, as I recall, and went into his arm. And the next one hit him right in the chest. You know, the officer falls in the street, and he was in the first traffic lane, lay there and bled to death. So, she's out of the car. She empties her pistol at the fleeing suspect, and she runs to his aid.

Procedure says you grab the radio and call for an ambulance. Common sense will tell you that but what do you do? And then at the time, she's so torn down – and the blood, an enormous amount of blood. So how do we hold her responsible for not following procedure at that point?

Speculation was at the time was that his partner was sitting in the car.

That's where the discrepancies were: just a matter of time, and whether or not she was out of the car, completely out of the car, or partially out of the car, or just sitting in there with the door closed.

Turko's account was regarded with considerable skepticism. If she had gotten out of the police car and was standing at the rear of the suspect vehicle, wouldn't she have left the milkshake in the car? Or if she had taken it with her, wouldn't she have dropped it where she was supposed to be standing, that is, just behind the suspect vehicle? Why was the spilled milkshake found next to the door on the passenger's side of the cruiser? Various scenarios could be constructed, but the one accepted by police investigators went as follows: Turko didn't get out of the cruiser when Robert Wood, her partner, got out. It was an extremely cold night. It was a routine traffic stop. Her partner walked up to the window of the suspect vehicle, was shot five times, and at that point, not before, she jumped out of the cruiser throwing the milkshake away.

I re-enact this detail in my film. The milkshake-toss for me is emblematic of the discrepancies between Turko's account and what really happened[1]. As such, the spilled milkshake is a clue and stands at the beginning of a chain of inferences.

Where was Turko when the shooting occurred? In the car? Out of the car? How many people were in the suspect vehicle? Two people? One person? What did the driver look like? Did he have bushy hair? Sandy-blond hair? All of this is critical information in deciding who did it, who killed the cop.

How do you represent this in a movie? How do you evaluate the nature of competing and conflicting evidence? It is through reconstructing the past with re-enactments.

We tell stories to ourselves and to others. The prevailing story – the story accepted by the Dallas Police – was as follows: A 26-year-old drifter, Randall Dale Adams, was driving the blue car and a 16-year-old kid from Vidor, Texas, David Harris, was a passenger. Adams claimed that earlier that night he had been dropped off at the motel where he was staying and therefore Harris was alone in the car when it was stopped by the Dallas police officer. The question of how many people were in the car – one or two – essentially decides who committed the crime. Which one of them dies in the electric chair?

Turko's account changed from her original crime-scene report to her later testimony in court. She saw only one person in the car at the crime scene, but testified in court that there were two people in the car. Sandy-blond hair had become bushy hair. I re-enacted these discrepancies, as well – showing the car with one person in it and with two. I also showed the driver with sandy-blond hair and with bushy hair. These details were at the heart of my investigation into the crime.

Memory is an elastic affair. We remember selectively, just as we perceive selectively. We have to go back over perceived and remembered events, in order to figure out what happened, what really happened. My re-enactments focus our attention on some specific detail or object that helps us look beyond the surface of images to something hidden, something deeper – something that better captures what really happened. I also thought the re-

enactments provided a way of presenting the crime, so that it could be understood, of reducing the crime to essential questions. There were five prosecution eyewitnesses to the crime and a complete absence of physical evidence. If the testimony of each of them was suspect, what would remain of the case? Was there one person in the car or two? Do we believe that Adams's claim that he was at the motel in bed? Or do we believe that Harris was a passenger in the car and that Adams was the driver?

Critics don't like re-enactments in documentary films - perhaps because they think that documentary images should come from the present, that the director should be hands-off. But a story in the past has to be re-enacted. Here's my method. I reconstruct the past through interviews (retrospective accounts), documents and other scraps of evidence. I tell a story about how the police and the newspapers got it wrong. I try to explain (1) what I believe is the real story and (2) why they got it wrong. I take the pieces of the false narrative, rearrange them, emphasize new details, and construct a new narrative. I grab hold of the milkshake as an image because it focuses the viewers' attention and helps them to better understand what really happened. The three slow-motion shots of the milkshake - the milkshake being thrown, its parabolic trajectory through the night sky and its unceremonious landing in the dirt at the side of the road - are designed to emphasize a detail that might otherwise be overlooked and to focus attention on where Turko was and what she saw.

It never occurred to me that someone might think that the re-enactments were not re-enactments at all, but honest-to-God vérité footage shot while the crime was happening. It's crazy for someone to think I had just happened to be out on that roadway, that night, with a 35-millimeter film crew and many, many cameras - cameras taking multiple angles, high angles from overhead, low angles at tire-level looking under the car, even angles inside the suspect vehicle. How could anyone think that? How could anyone believe that? Of course, people believe some pretty amazing things, and it made me think: is it a legitimate question? How do we know what is real and what is re-enacted in a photograph? What is real and what is a simulacrum? It's a question about images. How do we know what is happening for the first time and what is a re-enactment of an event? In a

photograph or in a movie? How do we know it hasn't been doctored or altered to deceive us about the "reality" we imagine we are observing?

Indeed, the Academy Awards in the documentary category has been beset by controversies about re-enactments. In 2005 they involved the documentary short, "Mighty Times: The Children's March," which received the Oscar for short documentary subject. The Times wrote:

Although re-enactments are a staple of documentary filmmaking and explicitly allowed by the academy, some documentary filmmakers are questioning the ethics of Bobby Houston and Robert Hudson's unflagged use of a technique Mr. Houston and Mr. Hudson call "faux doc" in portraying the 1963 civil rights protest by thousands of children in Birmingham, Ala. The filmmakers, based in Ojai, Calif., recreated scenes using vintage cameras and distressed film stock to shoot more than 700 extras, trained dogs and period automobiles and fire engines on various locations in Southern California.

But surely, this is not a question about re-enactments. It's a question about fraud. If someone presents a scene as a real event, and it has been produced after the fact, it's a re-enactment that's a deceptive practice. It's a false claim. It's a lie. History is replete with them: doctored photographs, faked footage, falsifying the provenance of film footage or of a still image. But to what end?

Jon Else, a prestigious documentary filmmaker and a professor of journalism at Berkeley, was called in by the academy to examine "Mighty Times." He had been involved with a series of documentary films on the civil rights movement, "Eyes on the Prize," and he had been a student activist in Birmingham in 1963. He was interviewed in 2005 on NPR's "All Things Considered":

JON ELSE: The real archive footage and the very skillfully dramatized [re-enacted] footage are seamlessly woven together. So that the audience has no way of knowing whether a particular shot of Police Commissioner Bull Connor is the real Bull Connor or an actor. That's a problem. The other problem is that there are shots from other cities at other times that are edited into the

events in Birmingham. No one has any problem with re-enactment. We all do re-enactment from time to time. The question raised here is whether it is appropriate to use re-enactment that the audience does not know is re-enactment.

NPR: Now at the producer's Web site they speak of a technique that they call "faux doc." And they say in order to distinguish "faux doc" from archival footage we [show] the border of re-enacted scenes with film sprocket holes. The end result is honorable both artistically and historically, making it very clear which footage is new and which is not.

JON ELSE: That was not done in the copy of the film that I saw.

Jon Else talked to me about the controversy. (Admittedly, I had some misgivings about writing about this. Was I asking for trouble – the people-who-live-in-glass-houses-shouldn't-throw-stones principle?)

JON ELSE: It's fraud, deception. The problem is not re-enactment. The problem is deceptive re-enactment. The audience has no way of knowing what it's getting. I got involved because the academy asked me to weigh in on all that stuff. I had worked on "Eyes on the Prize," so I knew all the footage from Birmingham really well. And it was clear right off the bat. Two things were very clear. I won't say clear. Two things were very suspicious. Where did all this new archive footage come from? And one of the problems with creating counterfeit archive footage is that you are going to get busted. Someone is going to see it and say, "Wait a minute, I was there and that didn't happen." They claimed they had done it on previous films. In previous films they had flagged the footage with sprocket holes. But they hadn't done it in the version of the film for the Academy. We had no way of knowing what was original and what was re-enacted[2].

[The problem goes beyond the failure to show sprocket holes – the failure to flag the re-enacted footage as re-enacted footage. Prohibiting posing or re-enacting is no solution. Clearly, we are concerned here with an underlying intention to deceive. And if there is an intention to deceive, no rule or regulation can protect us[3]. – E.M.]

JON ELSE: To me, the bigger problem in "Mighty Times" is that they used footage from a lot of other cities and other years. There's footage from the Watts riots two years later cut into scenes of Birmingham. There's footage from the Little Rock school integration crisis five years before cut into Birmingham. The thing that tipped it for me was I had worked in Birmingham in '63. I was actually on S.C.C. staff - Student Coordinating Committee.

ERROL MORRIS: How old were you?

JON ELSE: I was a kid. I was like 19. I hadn't actually worked on the Birmingham movement, but I had been through there the week after the church was bombed. I remember the guy at the Y.M.C.A. - the white Y.M.C.A. - we asked how to get to the 16th Street Baptist Church - and he said, "You mean that church that the niggers bombed?" I had been recruited to be an undercover guy. I was to go eat lunch at a restaurant owned by Lester Maddox in Atlanta. He had a mob of Klansman at his restaurant that beat up any black person who tried to eat there. For months, I went over to the Pickrick, his restaurant, with a buddy of mine, we were both on the S.C.C. staff. And over the door of the restaurant he had a sign "I refuse to serve Integrationists." And after several months of doing this, I ended up going into court and testifying against him. The reason this matters, is that I'm watching "Mighty Times" [about the summer of 1963 in Montgomery] and up pops a shot of Lester Maddox in Atlanta, Ga., taken two years later, standing in the door of his restaurant saying "I refuse to integrate." And that's when I thought, "Jesus, I risked my life to testify against this guy, and they are putting him in a different city two years earlier." There's a real audio-visual record of what happened during those years in that part of the country. It's fraud. It's a double fraud. Both in the re-enactments and in the wholesale importing of other cities, other times. It's like Monopoly money.

\*\*\*\*\*

Critics argue that the use of re-enactments suggest a callous disregard on the part of a filmmaker for what is true. I don't agree. Some re-enactments serve the truth, others subvert it. There is no mode of expression, no technique of production that



will instantly produce truth or falsehood. There is no *veritas lens* – no lens that provides a “truthful” picture of events. There is *cinema vérité* and *kino pravda* but no cinematic truth.

The engine of uncovering truth is not some special lens or even the unadorned human eye; it is unadorned human reason. It wasn't a *cinema vérité* documentary that got Randall Dale Adams out of prison. It was film that re-enacted important details of the crime. It was an investigation – part of which was done with a camera. The re-enactments capture the important details of that investigation. It's not re-enactments per se that are wrong or inappropriate. It's the use of them. I use re-enactments to burrow underneath the surface of reality in an attempt to uncover some hidden truth.

But what about the reporter who thought I had been out on the roadway? Maybe I could have been there – by pure happenstance – 10 years before I started work on the film, out there on the roadway with a film crew. Unlikely, but possible. I wasn't, but that isn't the point. Is the problem that we have an unfettered capacity for credulity, for false belief, and hence, we feel the need to protect ourselves from ourselves? If seeing is believing, then we better be damn careful about what we show people, including ourselves – because, regardless of what it is – we are likely to uncritically believe it.

\*\*\*\*\*

P.T. Barnum is often credited for saying: “There's a sucker born every minute.” With respect to photographs we are all suckers. There are putative photographs of Yeti footprints[4] and Cottingley fairies. I myself don't believe in Yetis or fairies. (Although I am willing to give some future aspirant photographer the benefit of the doubt.) What are we to make of them? Are they part of some hoax, or did the photographer believe that he was photographing a “real” Yeti footprint? Or had framed up “real” fairies in the viewfinder. Are we the gullible ones or is it the photographer who was gullible? Or perhaps it is both the photographer and us?

The footprint photographs were auctioned at Christie's last year for about \$7,000. A partial account (from Michael Ward, a

member of the 1951 Everest expedition) was provided in the auction catalog:

At about 16,000-17,000 feet we came across a whole series of footprints in the snow, on the lower part of the glacier. There seemed to be two groups, one rather indistinct in outline leading on to the surrounding snowfields. The others were much more distinct with, in places, a markedly individual imprint etched in the 2- to 4-inch covering of snow. We had no means of measuring so after examining them [Eric] Shipton took four photographs: two of the indistinct prints with myself, my footprints, and rucksack beside them for comparison; the other two photographs were of one of the most detailed and distinct group of prints, with my ice ax for scale, and a second one with my booted foot. The footprint was about the same length as my boot, and I take a size 42 Continental, or 8 1/2 British, which is about 12 to 13 inches long. The print was nearly twice as broad as my boot (3 to 4 inches) and had clear-cut edges in the crystalline snow on a base of firm snow ice. There was the definite imprint of a big toe that was broader and shorter than the other rather indistinct toes, of which there seemed to be four or five. We followed these tracks for some way down the easy glacier and noticed that whenever a narrow 6-inch-wide crevasse was crossed there seemed to be claw marks in the snow at the end of the toe imprints..." [Michael Ward, "Everest 1951: the footprints attributed to the Yeti — myth and reality," *Wilderness and Environmental Medicine*, 8, 29-32 (1997)].

Yeti footprints? People uneasy about the authenticity of the photograph keep hoping for a confession. Perhaps if Eric Shipton (who took the photographs) or Michael Ward had provided a deathbed confession, it would clarify things. But that assumes that either of them knew themselves. Perhaps a sherpa with a sense of humor had stomped around the glacier with some oddly shaped snowshoes. Or perhaps as Reinhold Messner has subsequently suggested[5], the footprints were of some rare bear. Yeti, no; bear, yes. And Shipton and Ward? Gullible, credulous, self-deceived? Perpetrators of a Yeti-hoax? True believers? Does anyone know? Do they know? Can it be that the narrative in our head overwhelms everything else? Even common sense, whatever that might be?

The Cottingley fairies photographs seem to me to be deliberate deceptions, yet the debate about their “authenticity” has gone on for nearly 100 years. It is as if people want to believe in them. And that desire to believe supersedes the slipshod nature of the fabrication.

Two cousins, Elsie Wright (16) and Frances Griffith (10) routinely played in the woods at Cottingley, near Bradford, England. Elsie, who had worked in a number of photographic darkrooms, took the pictures – five in all. Elsie’s engineer father was skeptical. But no less than a personage than Arthur Conan Doyle championed their authenticity. More than seventy years went by with various journalists trying to get the cousins to confess that the fairies were a deliberate fraud. Frances would come close to admitting the fraud then backtrack. Elsie never gave it up.

There is a problem here – the assumption that the cousins knew the answer to the reporters’ questions. Say the fairies were produced through some kind of fakery, such as cardboard cutouts. They could easily have been the product of some wish. As the cousins repeated the falsehood again and again over the years, they came to believe it to be true. They wished to believe it, and hence they came to believe it.

The problem is that perception is endlessly colored by fantasy and belief – perception of the present as well as the past. If there is a story that we wish to believe, our perceptual apparatus will usually modify or reinterpret what we see rather than the other way around. We see things that do not exist and fail to see things that are right in front of our eyes. We often remember things incorrectly and our memories change over time.

The brain is not a Reality-Recorder. There is no perfect replica of reality inside our brains. The brain elides, confabulates, conflates, denies, suppresses, evades, confuses and distorts. It has its own agenda and can even work at cross-purposes with our conscious selves. Consciously, we may think that we see all and know all, but our brains may be “blind” to much of what is going on around us.

Many people believe they have found a way around the eccentricities of the brain by substituting a camera, but this only

defers the problem. It does not solve it. Even photographs have to be perceived. They have to be seen. There is no shortcut around the Cartesian riddle of separating reality from the appearance of reality. There is no shortcut to reality. The brain is all we have.

In the next part, I interview two experimental psychologists on “continuity errors” and “inattention blindness,” and discuss re-enactments in the movie “Casablanca” and the philosopher R. G. Collingwood’s idea that “history is the re-enactment of the past in the mind.”

\*\*\*\*\*

#### FOOTNOTES:

1. In rhetoric we speak of “metonymy,” the use of a word to stand for a concept, e.g. “The White House” to stand for the presidency. In the O.E.D., the definition is extended from words that stand for concepts to things – in this instance, images that stand for concepts. The milkshake is a metonym for the many problems with Turko’s account.
2. The school version of “Mighty Times” does have the sprocket holes.
3. The same kind of argument applies to the two Roger Fenton photographs. Did Fenton pose or re-enact the second picture [ON] in the Valley of the Shadow of Death and if he did, did he intend to deceive the prospective viewer? Had he previously seen cannonballs on the road and re-enacted what he had seen in an effort to deceive us into believing it wasn’t a re-enactment? I believe in all likelihood Fenton posed the second picture, but I don’t believe he intended to deceive anyone. He made no effort to destroy or hide the glass-plated negative of the first picture [OFF]. In fact, there is evidence that he exhibited prints of both pictures.
4. In 1990, I visited the legendary climber Reinhold Messner in Munich. This was at the very end of his climbing career, and he told me that he had been doing a lot of walking. Much like you would tell someone that you were walking to the subway or the

supermarket to pick up groceries. I asked him where he had been walking and he told me that he had just walked across Tibet. I then asked him if he had seen the Yeti. He said, "Which one? The Red Yeti or the Brown Yeti?" Messner is the greatest mountaineer in history and has climbed all of the 8,000-meter peaks – many of them without oxygen. This feat has been considered by many to be physiologically impossible, and yet, Messner has done it. But there is no way of really knowing what effect the oxygen deprivation has had on his thinking.

5. In 2000, Messner published a book, "My Quest for Yeti: Confronting the Himalayas' Deepest Mystery." In the book Messner is seemingly less convinced of the existence of the Yeti – red or brown. He offers up a number of explanations, including the possibility that the Yeti is a rare kind of brown bear.